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Attorneys for Plaintiff
JASON EVERETT THOMPSON

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SANTA ROSA DIVISION**

In re:

DEAN GREGORY ASIMOS,

Debtor.

Case No.: 11-13214-AJ

Chapter 7

Adv. Case No. 14-01018 CN

**STIPULATED MOTION TO FURTHER
CONTINUE TRIAL DATE**

JASON EVERETT THOMPSON,

Plaintiff,

v.

DEAN GREGORY ASIMOS,

Defendant.

Judge: Hon. Charles Novak

WHEREAS, on August 20, 2014, the Court entered the Scheduling Conference Order and Notice of Trial, which set February 18, 2015 as the initial trial date for this adversary proceeding [A.P. Dkt. No. 17];

WHEREAS, on January 16, 2015, the Court entered the Order Granting Stipulated Motion To Continue Trial Date, which set November 18, 2015 as the trial date for this adversary proceeding and October 16, 2015 as the deadline for all depositions and other

1 discovery [A.P. Dkt. No. 21];

2 WHEREAS, on September 9, 2015, the Court entered the Order Granting Stipulated
3 Motion To Further Continue Trial Date, which set May 18, 2016 as the trial date for this
4 adversary proceeding and April 18, 2016 as the deadline for all depositions and other discovery
5 [A.P. Dkt. No. 23];

6
7 WHEREAS, on February 18, 2016, the Court entered the Order Granting Stipulated
8 Motion To Further Continue Trial Date, which set November 16, 2016 as the trial date for this
9 adversary proceeding and October 17, 2016 as the deadline for all depositions and other
10 discovery [A.P. Dkt. No. 25];

11
12 WHEREAS, on September 26, 2016, the Court entered the Order Granting Stipulated
13 Motion To Further Continue Trial Date, which set May 17, 2017 as the trial date (the “Trial
14 Date”) for this adversary proceeding and April 17, 2017 as the deadline for all depositions and
15 other discovery (the “Discovery Deadline”) [A.P. Dkt. No. 27];

16
17 WHEREAS, on March 19, 2017, the Court entered the Order Granting Stipulated
18 Motion To Further Continue Trial Date, which set February 21, 2018 as the trial date (the “Trial
19 Date”) for this adversary proceeding and January 22, 2018 as the deadline for all depositions
20 and other discovery (the “Discovery Deadline”) [A.P. Dkt. No. 30];

21
22 WHEREAS, the Order Granting Stipulated Motion To Further Continue Trial Date was
23 entered as a result of debtor Dean Gregory Asimos’ appeal in the California Court of Appeal,
24 First Appellate District (Court of Appeal Case No. A140096) (the “First Appeal”) remaining
25 unresolved;

26
27 WHEREAS, the debtor Dean Gregory Asimos filed a second appeal in the California
28 Court of Appeal, First Appellate District (Court of Appeal Case No. A147960) (the “Second
Appeal”) arising out of the same trial court action, wherein he has appealed the Order Granting

1 Motion For Attorneys' Fees And Costs Following Judgment Of Contempt, entered by the San
2 Francisco Superior Court (Case No. CGC-11-514980) on February 4, 2016;

3 WHEREAS, on December 15, 2016, the California Court of Appeal filed its decision in
4 the First Appeal, which, among other things, remanded the case to the trial court for a further
5 determination on damages;

6
7 WHEREAS, on February 22, 2017, the California Court of Appeal issued its remittitur
8 in the First Appeal and the decision of the Court became final, thereby restoring the trial court's
9 jurisdiction over the matter such that it shall, on remand, render a further determination on
10 damages as well as hear further motions filed by the parties in connection therewith;

11
12 WHEREAS, on June 7, 2017, the trial court granted in-substantial-part, plaintiff Jason
13 Everett Thompson's Motion for Attorney's Fees in the First Appeal and denied defendant Dean
14 Gregory Asimos' Motion for Attorney's Fees in the First Appeal;

15
16 WHEREAS, on February 28, 2017, debtor Dean Gregory Asimos filed his Appellant's
17 Opening Brief in the Second Appeal;

18
19 WHEREAS, on May 30, 2017, plaintiff Jason Everett Thompson filed his Respondent's
20 Brief in the Second Appeal;

21
22 WHEREAS, on October 19, 2017, the California Court of Appeal deemed the Second
23 Appeal fully briefed and assigned the case for judicial panel review;

24
25 WHEREAS, On October 24, 2017, plaintiff Jason Everett Thompson filed his
26 Respondent's Request for Oral Argument with the date of the hearing not yet scheduled on the
27 Court's calendar;

28
WHEREAS, plaintiff Jason Everett Thompson's adversary complaint seeks a
determination of nondischargeability of certain debts included in the Superior Court judgment,
in whole or in part, under 11 U.S.C. § 523(a)(6), which remains subject to debtor Dean Gregory

1 Asimos' appeal and the damages determination to made on remand, thus rendering the
2 decisions of the Court of Appeal and the trial court essential to determining whether there is any
3 potentially dischargeable debt involved in this adversary proceeding;

4 WHEREAS, proceeding to trial prior to resolution of the matters before the California
5 Court of Appeal and the Superior Court would produce potentially duplicitous and unnecessary
6 litigation, thereby wasting judicial resources;

7
8 NOW THEREFORE, the undersigned parties hereby stipulate to the foregoing recitals
9 and respectfully request that the Trial Date and related discovery and briefing deadlines be
10 further continued until October 2018 in order to allow additional time for a decision to be
11 rendered by the California Court of Appeal in the Second Appeal.
12

13
14 DATED: January 10, 2018

15 KYLE LAW CORPORATION

16
17 By /s/ Stephan E. Kyle
18 Stephan E. Kyle, Esq.
19 Attorneys for Jason Everett Thompson

20 DATED: January 10, 2018

21 SAGARIA LAW, P.C.

22
23
24 By /s/ Joe Angelo
25 Joseph Angelo, Esq.
26 Attorneys for Dean Gregory Asimos

27 Kyle
28 Law
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